

## **IC 8-16**

### **ARTICLE 16. BRIDGES AND TUNNELS**

#### **IC 8-16-1**

Chapter 1. Operation and Financing of State Bridges to Adjoining States

##### **IC 8-16-1-0.1**

###### **Definitions**

Sec. 0.1. As used in this chapter:

"Authority" refers to the Indiana transportation finance authority established under IC 8-9.5-8-2.

"Department" refers to the Indiana department of transportation.  
*As added by Acts 1980, P.L. 74, SEC. 259. Amended by P.L. 109-1983, SEC. 30; P.L. 68-1988, SEC. 15; P.L. 18-1990, SEC. 143.*

##### **IC 8-16-1-1**

###### **Powers of authority**

Sec. 1. (a) The authority shall have the power:

- (1) to establish bylaws and, under IC 4-22-2, rules and regulations for its own government;
- (2) to make and enter into all contracts or agreements; and
- (3) to do all things necessary or incidental to the performance of its duties and the execution of its powers under this chapter.

(b) The authority may employ engineering, architectural, and construction experts, inspectors, and such other employees as may be necessary in its opinion to implement this chapter and fix their compensation, all of whom shall do such work as the authority may direct. All expenses so incurred by the authority shall be paid solely from funds provided under the authority of this chapter.

*(Formerly: Acts 1939, c. 79, s. 1; Acts 1965, c. 249, s. 1.) As amended by Acts 1980, P.L. 74, SEC. 260; P.L. 109-1983, SEC. 31.*

##### **IC 8-16-1-2**

###### **Power and authority; "bridge" defined**

Sec. 2. (a) The authority is authorized and empowered to construct, to acquire by purchase or otherwise, or to condemn in the manner prescribed by IC 8-23-7 highway bridges and the approaches thereto over and across any river or stream forming the boundary between Indiana and any adjoining state whenever the bridge or any part thereof or the approach thereto will extend within Indiana, and to enlarge, extend and improve such bridges. This chapter shall apply although such river may be located either partially or solely within the territorial limits of such adjoining state.

(b) The authority is further authorized and empowered to construct toll roads or highways, together with such approaches, avenues of access, fills, causeways, connecting bridges, or ferries, as shall be necessary, appurtenant, or incidental to such bridge, ferry, or ferries, from or to any place or places within the state of Indiana, or to places in adjoining states, and to enlarge, extend, and improve

such toll roads or highways. Any toll road or highway shall be deemed to be necessary, appurtenant, or incidental to such bridge if it connects any such bridge with either a federal interstate highway, a federal highway, or a state highway, or any one (1) or more of such highways. Said toll roads or highways may be constructed:

- (1) as separate projects or as combined projects; or
- (2) in conjunction with the construction or acquisition of an interstate bridge or bridges authorized by this chapter, as a combined project.

(c) The authority may enter into agreements with the department for the construction or operation or maintenance of any such necessary, appurtenant, or incidental toll road or highway.

(d) The authority may enter into contracts or agreements with the department and any combination of the appropriate departments of any other states, whereby the department will assume the control, management, maintenance, upkeep and repair of any bridge, as defined in this section, and levy and collect tolls for the use thereof, whenever:

- (1) any such bridge has been constructed by an agency of the state or an agency of the state as a joint project with any other state or states; and
- (2) such bridge has been constructed by participation with the federal government under such terms as shall permit the state or states to recover its contribution of the cost of the bridge by the collection of tolls for the use thereof.

(e) The authority may also provide in such contracts or agreements as provided in subsection (d) to:

- (1) retain from the tolls so collected an amount sufficient to cover its administrative costs, the costs of the repair, maintenance, and upkeep of the bridge; and
- (2) pay the remainder of the tolls to the participating states as reimbursement of their contribution of the cost of the bridge.

(f) Whenever the term "bridge" is used in this chapter, said term shall mean such interstate bridges or such toll roads or highways severally as separate projects or collectively to any two (2) or more of such interstate bridges or toll roads or highways as combined projects. All of the provisions of this chapter relating to bridges shall apply fully to such interstate bridges or such toll roads or highways as separate projects or to any combination of two (2) or more of such interstate bridges or toll roads or highways as combined projects. However, any engineers appointed or employed in connection with any toll roads or highways shall be designated by the authority or department subject to such approval of the purchasers of any revenue bonds issued pursuant to this chapter as may be provided in the proceedings authorizing the issuance of such revenue bonds.

*(Formerly: Acts 1939, c.79, s.2; Acts 1941, c.217, s.1; Acts 1951, c.296, s.1; Acts 1959, c.191, s.1; Acts 1971, P.L.100, SEC.1.) As amended by Acts 1980, P.L.74, SEC.261; P.L.109-1983, SEC.32; P.L.18-1990, SEC.144.*

### **IC 8-16-1-3 Repealed**

*(Repealed by Acts 1980, P.L.74, SEC.434.)*

### **IC 8-16-1-4**

#### **Studies regarding interstate bridges**

Sec. 4. (a) Subject to IC 8-9.5-8-5, the authority is authorized to inquire into the necessity and existing need for the construction, or acquisition by purchase or otherwise or by condemnation, of any interstate bridge between the state of Indiana and any adjoining state over any stream which forms the boundary between the state of Indiana and any such state; or the enlargement, extension of, or improvement of such bridge. For the purpose of such inquiry, the authority may employ engineers, construction experts, and inspectors and fix their compensation.

(b) The authority may cause to be made by competent engineers traffic estimates and reports and pay therefor such compensation as may have been fixed by contract or agreement.

(c) The authority:

(1) shall view and examine the site of any bridge proposed to be built;

(2) shall view and examine any bridge proposed to be acquired under authority of this chapter; and

(3) may subpoena witnesses and hear evidence under oath upon any question necessary in the determination of the question of whether the acquisition or condemnation of such bridge already constructed or the construction of any bridge proposed to be built is necessary in the public interest.

(d) All expenses incurred under this section shall be paid solely from funds provided under the authority of this chapter.

*(Formerly: Acts 1939, c.79, s.4; Acts 1941, c.217, s.2.) As amended by Acts 1980, P.L.74, SEC.262; P.L.109-1983, SEC.33.*

### **IC 8-16-1-5**

#### **Construction of interstate bridges**

Sec. 5. Subject to IC 8-9.5-8-5, if the authority shall determine that the construction of an interstate bridge or the acquisition by purchase or otherwise or by condemnation of any interstate bridge already constructed or its approaches, or the enlargement, extension, or improvement of any such bridges or their approaches, under this chapter, is necessary and advisable in the public interest and will be a convenience, necessity, and a benefit, the chairman of the authority shall issue an order finding and determining that the construction of such an interstate bridge or the acquisition by purchase or otherwise or by condemnation of any interstate bridge already constructed, or the enlargement, extension, or improvement thereof will be in the public interest and convenience and necessity.

*(Formerly: Acts 1939, c.79, s.5; Acts 1941, c.217, s.3.) As amended by Acts 1980, P.L.74, SEC.263; P.L.109-1983, SEC.34.*

### **IC 8-16-1-6**

**Authority to purchase land or structures**

Sec. 6. The authority is authorized to purchase in the state of Indiana and in any adjoining state, solely from funds provided under the authority of this chapter, such lands, structures, rights-of-way, franchises, easements, or other interests in lands, including lands under water, riparian rights of any person, railroad, or other public or private corporations or municipality, necessary for the building or acquiring, by purchase or otherwise, of said bridges and approaches thereto upon such terms, prices, or consideration as may be considered by it to be reasonable, and can be agreed upon between it and the owner or owners, title thereto to be taken in the name of the state of Indiana.

*(Formerly: Acts 1939, c.79, s.6.) As amended by Acts 1980, P.L.74, SEC.264; P.L.109-1983, SEC.35.*

**IC 8-16-1-7****Preexisting ferry operations**

Sec. 7. (a) Prior to the opening for public use of any bridge, the construction of which is authorized by this chapter, the authority shall:

- (1) purchase the ferry, equipment, franchises, rights, and privileges used in connection with the operation of any ferry which has been in continuous operation for at least fifteen (15) years prior thereto and which is located within two (2) miles of the site of said bridge; and
- (2) pay the owner therefor a fair cash value.

(b) In the event the authority and the owner of such ferry shall be unable to agree upon a fair cash value, the valuation of such property shall be determined in the manner provided by law for the condemnation of property for appropriate county purposes by counties. In the event the owner of such ferry shall not agree to the establishment of such valuation according to the method specified in this subsection, then in such event, the authority shall not be required to purchase such assets from the owner of the ferry.

*(Formerly: Acts 1939, c.79, s.6a; Acts 1957, c.192, s.1.) As amended by Acts 1980, P.L.74, SEC.265; P.L.109-1983, SEC.36.*

**IC 8-16-1-8****Condemnation**

Sec. 8. (a) Whenever it is necessary to condemn property for the purpose of constructing any portion of the bridges or the approaches, or securing rights-of-way for the approaches, the authority may condemn any interest, franchises, easements, rights, or privileges, land, or improvements which may be necessary for the purpose of constructing the bridges, the approaches, or the rights-of-way leading to the approaches.

(b) Condemnations shall be in the name of the authority and the method shall be governed by IC 8-23-7. The authority is empowered to exercise the powers of eminent domain as conferred upon the authority by an act of Congress of the United States.

(c) No payments of award in any condemnation proceedings or for the costs of proceedings under this chapter or the expenses thereof shall be made except from funds provided under authority of this chapter.

(d) Title to property condemned shall be taken in the name of the state.

(e) Nothing in this section shall apply to the acquisition of any toll bridge constructed before March 9, 1939.

*(Formerly: Acts 1939, c. 79, s. 7.) As amended by Acts 1980, P.L. 74, SEC. 266; P.L. 109-1983, SEC. 37; P.L. 18-1990, SEC. 145.*

#### **IC 8-16-1-9**

##### **Repealed**

*(Repealed by Acts 1980, P.L. 74, SEC. 434.)*

#### **IC 8-16-1-10**

##### **Plans and specifications; submission; letting of contracts for construction**

Sec. 10. (a) Before any bridge shall be constructed under the provisions of this chapter, the authority shall prepare profiles, plans and specifications, and estimates for the construction of such bridge or bridges as they shall designate for construction under the provisions of this chapter.

(b) Following the preparation of profiles, plans and specifications, and estimates as provided in subsection (a), the authority shall give notice of the time, place, terms, and conditions for the letting of the contracts for the construction of such bridge or bridges, as is provided by law for the giving of notices for the construction of highways by the department.

(c) The authority shall let the contracts for the construction of such bridge or bridges under this chapter in the same manner and under the same conditions as are fixed by law for the letting of contracts for the construction of highways by the department.

*(Formerly: Acts 1939, c. 79, s. 7b; Acts 1941, c. 217, s. 5.) As amended by Acts 1980, P.L. 74, SEC. 267; P.L. 109-1983, SEC. 38; P.L. 18-1990, SEC. 146.*

#### **IC 8-16-1-11**

##### **Repealed**

*(Repealed by Acts 1980, P.L. 74, SEC. 434.)*

#### **IC 8-16-1-12**

##### **Control over bridges**

Sec. 12. The authority shall:

- (1) operate, maintain, manage, and control such bridges in their entirety;
- (2) fix the rate of tolls;
- (3) establish bylaws and, under IC 4-22-2, rules and regulations for the use and operation of said bridges; and
- (4) select such employees as it deems necessary and fix their

compensation.  
(Formerly: Acts 1939, c.79, s.8.) As amended by Acts 1980, P.L.74, SEC.268; P.L.109-1983, SEC.39.

### **IC 8-16-1-13**

#### **Damage to public ways or public works**

Sec. 13. Any public ways or public works damaged or destroyed by reason of the building of such bridges or approaches shall be restored or repaired by the authority and placed in their original condition as near as practicable.

(Formerly: Acts 1939, c.79, s.9.) As amended by Acts 1980, P.L.74, SEC.269; P.L.109-1983, SEC.40.

### **IC 8-16-1-14**

#### **Revenue bonds**

Sec. 14. (a) Subject to IC 8-9.5-8-10, the authority is authorized to provide funds for each and every purpose of this chapter by the issuance of bridge revenue bonds of the state, the principal and interest of which bonds shall be payable solely from the revenues of the bridge to be constructed or acquired by purchase from the proceeds of such bonds. Such revenue bonds:

- (1) shall bear interest at a rate or rates approved by the authority payable on such day as specified in the resolution or any trust agreement;
- (2) shall mature in not more than thirty (30) years from their date or dates; and
- (3) may be made redeemable at the option of the authority, at not more than the par value thereof and a premium of five percent (5%) under such terms and conditions as the authority may fix prior to the issuance of such bonds.

(b) The authority shall:

- (1) provide the form of such bonds;
- (2) fix the denomination or denominations of such bonds; and
- (3) fix the place or places of payment of the principal and interest thereof.

(c) The bonds shall be executed by the manual or facsimile signature of the chairman of the authority and sealed and attested by the manual or facsimile signature of the secretary-treasurer of the authority. The coupons shall bear the facsimile signature of the chairman. The authority may also provide for authentication of the bonds by a trustee or fiscal agent.

(d) The said bonds shall be exempt from taxation by the state of Indiana and by the municipalities and political subdivisions thereof.

(e) The bonds may be issued in coupon or in registered form, or both, as the authority may determine, and provisions may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest, and for the reconversion into coupon bonds of any bonds registered as to both principal and interest.

(f) Such bonds shall be sold in such manner, either at public or

private sale, as the authority may determine to be for the best interests, taking into consideration the financial responsibility of the purchaser and the terms and conditions of the purchase and especially the availability of the proceeds of the bonds when required for payment of the cost of the bridge, by the authority. Such sale shall be at not less than ninety cents (\$.90) on the dollar and accrued interest, and the proceeds of such bonds shall be used solely for the payment of the bridge costs, and expenses incident thereto as authorized by this chapter, and shall be disbursed by said authority as provided in this chapter. If the proceeds of the sale of such bonds shall exceed such costs, any surplus remaining therefrom shall be paid into the fund provided in section 16 of this chapter for payment of the principal and interest of said bonds.

(g) The authority shall have the right to purchase any bonds so issued by it that may be outstanding at the market price, but not exceeding one hundred five dollars (\$105) for each one hundred dollars (\$100) of par value and accrued interest nor exceeding the price at which the same shall in the same year be redeemable, with the consent of the holders of such bonds, and all bonds redeemed or purchased shall forthwith be cancelled and shall not again be issued.

(h) Prior to the preparation of definitive bonds the authority may under like restrictions issue temporary bonds, with or without coupons, exchangeable for definitive bonds upon the issuance of the latter.

(i) The authority may enter into an agreement with any trust company as trustees for the holders of such bonds, setting forth the duties of the authority in respect to:

- (1) the construction, maintenance, operation, and insurance of any such bridge;
- (2) the conservation and application of all funds;
- (3) the insurance of moneys on hand or on deposit; and
- (4) the rights and remedies of said trustee and the holders of such bonds, restricting the individual right of action of bondholders as is customary in trust agreements respecting bonds of a corporation.

(j) Said trust agreement may:

- (1) contain such provisions for protecting and enforcing the rights and remedies of the trustee and the bondholders as may be reasonable and proper in the judgment of the authority, and also a provision for approval by the original bond purchasers of the appointment of consulting engineers and of the security given by the bridge contractors and by any bank or trust company in which the proceeds of bonds or bridge tolls or other moneys of the authority shall be deposited; and
- (2) provide that no contract for construction shall be made without the approval of the consulting engineers.

(k) Such trust agreement may contain such further provisions as in the judgment of the authority will best accomplish the purposes of this chapter, with respect to:

- (1) the fixing, maintaining, and collecting of tolls;

- (2) the deposit, safeguarding, and disposition of the revenues derived from such bridge;
- (3) the application of revenues;
- (4) the determination and establishment of priorities in the disbursement of such revenues;
- (5) the establishment of reserve funds to secure the prompt payment of the principal of and the interest on said bonds;
- (6) the limitation of the amount of expenses of the authority chargeable to said revenues; and
- (7) such other matters as in the judgment of the authority are proper and suitable.

(l) The bonds issued under this section shall be a first lien on all revenues of the bridge on account of which they are issued, subject only to such prior charges as may be provided in such trust agreement or in the resolution authorizing their issuance. The bonds may be issued without any other proceedings or happening or any other conditions or things than those proceedings, conditions, and things which are specified and required by this chapter or by the constitution of the state of Indiana.

*(Formerly: Acts 1939, c.79, s.10; Acts 1951, c.296, s.2; Acts 1955, c.323, s.1; Acts 1971, P.L.100, SEC.2.) As amended by Acts 1980, P.L.74, SEC.270; P.L.109-1983, SEC.41.*

#### **IC 8-16-1-15**

##### **Payment of interest or principal**

Sec. 15. (a) In any resolution or trust agreement providing for the issuance of revenue bonds pursuant to section 14 of this chapter, the authority may further covenant and agree that moneys deposited in the Indiana interstate bridge fund from revenues of other bridges as reimbursement to such fund will be used to pay the interest on or principal of such bonds due but unpaid if, at any time, the available revenues of the bridge to be constructed or acquired by purchase from the proceeds of such bonds are not sufficient to pay such interest or principal. Any coupons or bonds so paid from moneys in the Indiana interstate bridge fund shall be held uncanceled by the authority as a part of the Indiana interstate bridge fund until the amount represented by such coupons or bonds is reimbursed to the fund as provided in this section. Any revenues of the bridge constructed or acquired by purchase from the bond issue of which the coupons or bonds held in the Indiana interstate bridge fund are a part and which are received thereafter and are not required to pay the cost of maintaining, repairing, and operating such bridge or to pay principal and interest on other bonds of the issue or to maintain the sinking fund or any other reserves, if any, at the level prescribed in the resolution or trust agreement, shall be applied to reimbursement of the Indiana interstate bridge fund in an amount not exceeding the amount represented by such coupons or bonds. Such revenues shall be applied first to coupons and then to bonds and in each case in their numerical order. Whenever the Indiana interstate bridge fund is reimbursed for the amount of any coupon or bond, such coupon or



bond shall be cancelled. A coupon or bond shall not bear interest for the period held as part of the Indiana interstate bridge fund and the fund shall be deemed to be fully reimbursed for any coupon or bond when it receives the face amount of any such coupon or bond.

(b) If the authority agrees and covenants as provided in this section in connection with more than one (1) issue of revenue bonds, a bond issue bearing an earlier date than another bond issue shall have priority as to payment of principal and interest from the Indiana interstate bridge fund. However, so long as the revenues of any bridge are sufficient to pay principal and interest due and owing on the bonds issued for the purpose of constructing or acquiring such bridge, moneys in the Indiana interstate bridge fund may be used as provided in this section to pay the principal and interest on any other bond issue even though such bond issue bears a subsequent date.

(c) Nothing contained in this section shall be construed as permitting the use of money in said fund derived from state appropriations for these purposes, and the books of account of the authority that disclose the amounts in said fund from various sources shall be open for inspection by the general public. Any expenditures from the Indiana interstate bridge fund pursuant to section 18 of this chapter shall first be made from money in said fund derived from sources other than reimbursement from revenues of other bridges.  
*(Formerly: Acts 1939, c.79, s.10a; Acts 1963, c.274, s.1.) As amended by Acts 1980, P.L.74, SEC.271; P.L.109-1983, SEC.42.*

#### **IC 8-16-1-16**

##### **Duty to fix, maintain, and collect tolls for use of bridges**

Sec. 16. (a) The authority shall fix, maintain, and collect tolls for the use of any bridge constructed or acquired by purchase pursuant to this chapter (except in the case of a bridge constructed or acquired under authority of section 21 of this chapter) until all bonds payable from the revenues of such bridge have been retired and the interest paid thereon and the Indiana interstate bridge fund or any other fund or funds of the state have been fully reimbursed for amounts expended from such funds for the construction, acquisition, enlargement, extension, or improvement of such bridge. However, after bonds are retired, interest is paid, and all funds are fully reimbursed as required by this subsection, the authority may continue to fix, maintain, and collect tolls for the use of the bridge.

(b) The rate of such tolls shall at all times be fixed and maintained by the authority so as to provide funds sufficient to:

- (1) pay the cost of maintaining, repairing, and operating such bridge, including a prorated share of the expenses of the authority based upon the gross receipts from all bridges constructed or acquired by purchase by the authority under the provisions of this chapter;
- (2) pay the principal of and the interest on all bonds in accordance with the terms thereof payable from the revenues of such bridge;
- (3) reimburse each year the Indiana interstate bridge fund or any

other funds of the state for expenditures made for the construction, acquisition, enlargement, extension, or improvement of such bridge in an amount equal to four percent (4%) of:

(A) the original amount of such expenditures; less

(B) any part of such amount reimbursed to such fund or funds by the issuance of bonds pursuant to section 20 of this chapter; and

(4) pay interest on amounts so expended from any such funds at such rate as may be deemed proper by the authority.

*(Formerly: Acts 1939, c.79, s.11; Acts 1955, c.323, s.2.) As amended by Acts 1980, P.L.74, SEC.272; P.L.109-1983, SEC.43; P.L.386-1987(ss), SEC.14.*

### **IC 8-16-1-17**

#### **Repealed**

*(Repealed by P.L.386-1987(ss), SEC.22.)*

### **IC 8-16-1-17.1**

#### **Toll bridge becoming state highway or tollway; reimbursement of funds; conveyances**

Sec. 17.1. (a) The authority may, after adopting a resolution and after receiving the governor's approval, determine under IC 8-23-7 that any toll bridge constructed or operated by the authority should become a part of the system of state highways free of tolls or become a tollway under IC 8-15-3.

(b) A resolution adopted under subsection (a) becomes effective when:

(1) all bonds to which the revenues of the toll bridge were pledged for payment, together with all interest, is paid, or a sufficient amount for the payment of all those bonds and the interest to maturity is set aside in trust for the benefit of bondholders; and

(2) to the extent authorized by the authority as provided in subsection (d), the Indiana interstate bridge fund or any other fund of the state is reimbursed for amounts expended from the fund for the purposes of this chapter, even if those expenditures were not made in connection with the bridge.

(c) Until a resolution is adopted by the authority under subsection (a) and becomes effective under subsection (b), any toll bridge constructed by the authority or its predecessors remains under the jurisdiction of the authority and the authority shall continue to maintain and operate the toll bridge and levy and collect tolls as provided in this chapter. Subject to any agreement entered into by the Secretary of Transportation of the United States, acting by and through the federal highway administrator, and the state, acting by and through the department, tolls on any project may be continued from the date of the payment of the principal of and interest on bonds issued for the construction of the toll bridge.

(d) The authority may use revenue received from tolls under

subsection (c) to reimburse the Indiana interstate bridge fund or any other state fund for an expenditure made for the purposes of this chapter, whether or not the expenditure was made in connection with the bridge from which the tolls were received. Before reimbursing any fund under this subsection, the authority shall provide for the cost of maintaining, repairing, or operating the toll bridge. If the authority decides to make a reimbursement under this subsection, it shall first fully reimburse all other eligible funds before it may reimburse the interstate bridge fund. After the interstate bridge fund is reimbursed, the authority may transfer revenue received from tolls under subsection (c) to the state for deposit in the state highway fund for use as provided by law.

(e) If the authority adopts a resolution under subsection (a) that becomes effective under subsection (b), the toll bridge becomes the property of the state without a deed of conveyance, and the bridge comes under the jurisdiction and control of the department as part of the Indiana state highway system or as a tollway, as designated in the resolution.

*As added by P.L.386-1987(ss), SEC.15. Amended by P.L.18-1990, SEC.147.*

## **IC 8-16-1-18**

### **Indiana interstate bridge fund**

Sec. 18. (a) A special and distinct fund is created to be known as the Indiana interstate bridge fund. Such fund shall be:

- (1) held in the name of the authority; and
- (2) administered by the authority.

All expenditures therefrom shall be made by the authority.

(b) Except as provided in section 15 of this chapter, expenditures from the fund shall be made only for the purpose of:

- (1) paying the cost of constructing or acquiring, by purchase or condemnation, highway bridges and the approaches thereto, which may be constructed or acquired by authority of this chapter; or
- (2) paying the cost of enlarging, extending, or improving any such bridge or the approaches thereto.

The costs specified in subdivisions (1) and (2) shall include the expense of all engineering, architectural, legal, and other expert service rendered to the authority and other preliminary and incidental expenses. Such payments may be made as such costs are incurred or such services rendered.

(c) Any income from such fund or any part of the principal not pledged to the payment of bonds issued by the authority may be used for the purposes set forth in section 4 of this chapter, and the fund shall be reimbursed for any such expenditures out of the proceeds of any bonds issued for the construction or acquisition of any bridge on account of which such expenditures were made.

*(Formerly: Acts 1939, c.79, s.13a; Acts 1947, c.340, s.1; Acts 1963, c.274, s.2; Acts 1971, P.L.100, SEC.3.) As amended by Acts 1980, P.L.74, SEC.274; P.L.109-1983, SEC.45.*

### **IC 8-16-1-19**

#### **Collection of tolls; reimbursement of funds**

Sec. 19. (a) Whenever any bridge is constructed or acquired under this chapter, and the cost thereof paid in whole or in part from the Indiana interstate bridge fund, it shall be the duty of the authority (except in the case of a bridge constructed or acquired under authority of section 21 of this chapter) to fix, maintain, and collect tolls for the use of such bridge from the time of the completion thereof in accordance with section 16 of this chapter.

(b) All revenues from a bridge in excess of those required by section 16 of this chapter shall be applied to reimbursement of the Indiana interstate bridge fund in the order and manner provided so that such funds may be fully reimbursed as rapidly as the revenues of such bridge permit.

*(Formerly: Acts 1939, c.79, s.13b; Acts 1947, c.340, s.2; Acts 1955, c.323, s.5.) As amended by Acts 1980, P.L.74, SEC.275; P.L.109-1983, SEC.46; P.L.386-1987(ss), SEC.16.*

### **IC 8-16-1-20**

#### **Bridge revenue bonds; reimbursing bridge fund**

Sec. 20. Subject to IC 8-9.5-8-8, the authority is authorized to issue from time to time its bridge revenue bonds for the purpose of reimbursing, in whole or in part, the Indiana interstate bridge fund and any other fund or funds of the state, for sums disbursed for the construction, acquisition, enlargement, extension, or improvement of a bridge under this chapter or for such purpose in combination with any one (1) or more of the purposes authorized by section 14 of this chapter. Such bonds shall be issued in the manner, shall be of the character, and shall be secured and paid as set out in section 14 of this chapter. The authority may sell such bonds in the manner provided in section 14 of this chapter.

*(Formerly: Acts 1939, c.79, s.13c; Acts 1947, c.340, s.3; Acts 1955, c.323, s.6.) As amended by Acts 1980, P.L.74, SEC.276; P.L.109-1983, SEC.47.*

### **IC 8-16-1-21**

#### **Bridges substantially funded by other governmental agencies; title**

Sec. 21. (a) Whenever the authority shall construct or acquire a bridge under authority of section 2 of this chapter, and a substantial part of the cost of such construction or acquisition is contributed by:

- (1) the government of the United States or any agency thereof;
- (2) another state;
- (3) any agency or authority existing under the laws of any other state; or
- (4) any political or municipal subdivision thereof or any public corporation thereof;

then the authority is authorized to pay the share of the entire cost of such purchase or acquisition to be borne by it or by the state of Indiana from the Indiana interstate bridge fund. Any such bridge may be operated as a free bridge without the imposition of any tolls for

the use thereof and no reimbursement need be made to the fund.

(b) The authority is authorized to enter into such contracts and agreements as it may deem necessary and proper in relation to the construction or acquisition of any such bridge with:

(1) the government of the United States or any agency thereof;  
or

(2) any other state, state agency or authority, or political or municipal subdivision or public corporation;

which shall so contribute to the cost of the construction or acquisition of any such bridge. Title to any such bridge shall be taken in the name of the state of Indiana and it shall be maintained by the authority.

*(Formerly: Acts 1939, c.79, s.13d; Acts 1947, c.340, s.4.) As amended by Acts 1980, P.L.74, SEC.277; P.L.109-1983, SEC.48.*

#### **IC 8-16-1-21.5**

##### **Repealed**

*(Repealed by P.L.109-1983, SEC.50.)*

#### **IC 8-16-1-22**

##### **Jurisdiction of authority**

Sec. 22. The authority shall have no authority or jurisdiction over any bridge not constructed or acquired by it.

*(Formerly: Acts 1939, c.79, s.14.) As amended by P.L.109-1983, SEC.49.*

#### **IC 8-16-1-23**

##### **Repealed**

*(Repealed by Acts 1980, P.L.74, SEC.434.)*

#### **IC 8-16-1-24**

##### **Repealed**

*(Repealed by Acts 1980, P.L.74, SEC.434.)*

#### **IC 8-16-1-25**

##### **Construction of law**

Sec. 25. Sections 2, 4, 5, 9, 10, and 11 of this chapter shall be construed as supplemental to any other statute and shall not repeal or affect any other section of this chapter except as specifically provided, and in the event of any conflict with any other section of this chapter, said other section shall govern and control.

*(Formerly: Acts 1941, c.217, s.7.) As amended by P.L.66-1984, SEC.59.*

#### **IC 8-16-1-26**

##### **Bridge constructed under chapter and crossing Wabash River**

Sec. 26. (a) This section applies only to a bridge that:

(1) was constructed under this chapter; and

(2) crosses the Wabash River.

(b) Notwithstanding any other provisions of this chapter, a bridge

subject to this section does not become a part of the system of state highways free of tolls or a tollway under IC 8-15-3 when bonds are retired and all funds fully reimbursed.

(c) Money collected for the use of a bridge subject to this section shall be allocated to the authority and used for the following purposes:

- (1) Operation of the toll bridge facility.
- (2) Maintenance of the toll bridge facility.
- (3) A reserve fund for future toll bridges over the Ohio River to be located within the same county in which the bridge subject to this section is located.

*As added by P.L.386-1987(ss), SEC.17.*

### **IC 8-16-1-27**

#### **Bob Cummings Lincoln Trail Bridge at Cannelton**

Sec. 27. (a) This section applies to the Bob Cummings Lincoln Trail Bridge at Cannelton.

(b) This subsection applies notwithstanding sections 16, 17.1, and 19 of this chapter. On January 1, 1988, without a deed of conveyance, the bridge becomes the property of the state, toll free, and a part of the state highway system.

(c) The department shall negotiate with Kentucky for the purpose of making an agreement for the maintenance of the bridge.

(d) The agreement described in this section must include the terms of the agreement set forth in the NINETEENTH provision of the interstate agreement entitled "AGREEMENT FOR CONSTRUCTION OF BRIDGES OVER THE OHIO RIVER IN THE MAUCKPORT, INDIANA-BRANDENBURG, KENTUCKY AREA AND THE CANNELTON, INDIANA-HAWESVILLE, KENTUCKY AREA AND APPROACHES THERETO" (approved August 8, 1963), to the effect that when one (1) or both of the bridges described in the agreement become toll free, the costs of the maintenance program shall be borne fifty percent (50%) by the Commonwealth of Kentucky and fifty percent (50%) by the state of Indiana.

(e) The agreement described in this section must provide that the bridge shall be maintained through a program to preserve, repair, and restore the bridge with its elements to its original designed or accepted standard, and to offset the effects of weather, organic growth, deterioration (aging, material failure, design and construction faults), traffic wear, damage, and vandalism. The bridge's elements include such items as travelway surfaces, shoulders, roadsides, drainage, drainage facilities, signs, markings, lighting, and fixtures. The maintenance program must include bridge inspection, snow and ice removal, cleaning, painting, repairing, and replacement of rails, floors, stringers, and beams.

(f) Notwithstanding subsection (b), after December 31, 1987, and until Indiana and Kentucky make an agreement as described in this section, the toll for an automobile is twenty-five cents (\$0.25). The department shall set tolls for vehicles other than automobiles that

are:

(1) at rates that when added to the revenue from automobile tolls will yield enough revenue to offset the operating costs of the bridge; and

(2) are proportionate to the tolls for vehicles other than automobiles that are in effect on April 1, 1987.

*As added by P.L.386-1987(ss), SEC.18. Amended by P.L.18-1990, SEC.148.*

#### **IC 8-16-1-28**

##### **Matthew E. Welsh Toll Bridge at Mauckport**

Sec. 28. (a) This section applies to the Matthew E. Welsh Toll Bridge at Mauckport.

(b) This subsection applies notwithstanding sections 16, 17.1, and 19 of this chapter. On July 1, 1992, without a deed of conveyance, the bridge becomes the property of the state, toll free, and a part of the state highway system.

(c) The department shall negotiate with Kentucky for the purpose of making an agreement for the maintenance of the bridge.

(d) The agreement described in this section must include the terms of the agreement set forth in the NINETEENTH provision of the interstate agreement entitled "AGREEMENT FOR CONSTRUCTION OF BRIDGES OVER THE OHIO RIVER IN THE MAUCKPORT, INDIANA-BRANDENBURG, KENTUCKY AREA AND THE CANNELTON, INDIANA-HAWESVILLE, KENTUCKY AREA AND APPROACHES THERETO" (approved August 8, 1963), to the effect that when one (1) or both of the bridges described in the agreement become toll free, the cost of the program described in subsection (c) shall be borne fifty percent (50%) by the Commonwealth of Kentucky and fifty percent (50%) by the state of Indiana.

(e) The agreement described in this section must provide that the bridge shall be maintained through a program to preserve, repair, and restore the bridge with its elements to its original designed or accepted standard, and to offset the effects of weather, organic growth, deterioration (aging, material failure, design and construction faults), traffic wear, damage, and vandalism. The bridge's elements include such items as travelway surfaces, shoulders, roadsides, drainage, drainage facilities, signs, markings, lighting, and fixtures. The maintenance program must include bridge inspection, snow and ice removal, cleaning, painting, repairing, and replacement of rails, floors, stringers, and beams.

(f) Notwithstanding subsection (b), after June 30, 1992, and until Indiana and Kentucky make an agreement as described in this section, the bridge is not toll free and the rates in effect on June 30, 1992, continue to be in effect.

*As added by P.L.386-1987(ss), SEC.19. Amended by P.L.18-1990, SEC.149.*